

FILED

DEC 28 2017

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

LIONEL SCOTT ELLISON,

Petitioner,

vs.

MICHAEL FLETCHER,

Respondents.

Cause No. CV 17-117-H-DLC-JTJ
CV 17-168-BLG-DLC-TJC

ORDER TRANSFERRING VENUE

On December 27, 2017, Petitioner Lionel Scott Ellison filed this action under 28 U.S.C. § 2254. Ellison is a state prisoner proceeding pro se.

Mr. Ellison's petition challenges his 2009 Arson conviction handed down in the Thirteenth Judicial District, Yellowstone County. (Doc. 1). Ellison advances claims of actual innocence, ineffective assistance of counsel, and due process violations. *Id.* at 13-29. The appropriate venue for each of these challenges is the Billings Division. D. Mont. L.R. 1.2(c)(4), 3.2(b)(2)(A). Additionally, Ellison has previously been advised that he must file challenges to Yellowstone County convictions in the Billings Division. *See Ellison v. Fletcher*, CV-17-102-H-DLC, Or. at 2 (D. Mont. Nov. 2, 2017)(dismissing matter without prejudice).

Accordingly, IT IS HEREBY ORDERED that Mr. Ellison's petition is TRANSFERRED to the Billings Division. All parties shall refer only to CV 17-168-BLG-DLC-TJC in connection with this action.

Mr. Ellison must immediately notify the Court of any change in his mailing address by filing a “Notice of Change of Address” under the appropriate cause number. Failure to do so may result in dismissal of his petition without notice to him.

DATED this 28th day of December, 2017.

/s/ John Johnston
John Johnston
United States Magistrate Judge